



City of Bloomington Common Council

Legislative Packet - Addendum

(Issued on Thursday, 06 May 2021)

Special Session on:

Thursday, 06 May 2021 at 6:30 pm

This Special Session, which began on May 4, 2021, may be continued as needed to the dates listed to allow for the continued deliberations on Ordinance 21-23 and Ordinance 21-24.

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

***** Amendment Form *****

Ordinance #: 21-23
Amendment #: Am 03
Submitted By: Cm. Rollo; Cm. Sandberg
Date: May 5, 2021
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 21-23 as “Attachment A” (ZO-09-21) shall be amended as follows (only affected portions of the proposal are shown below):

1. No more than 35 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; and
2. The proposed duplex structure does not exceed the total gross square footage of the original structure that was demolished or removed by more than 25 percent.

(B) Occupancy

Occupancy of each dwelling unit in a duplex dwelling is subject to the definition of “Family” in Chapter 20.07: (Definitions).

(C) Design

In the R1, R2, R3, and R4 zoning districts the following shall apply:

- i. Each individual dwelling unit shall have a separate exterior entrance facing a public or private street.
- ii. The front elevation building width of the duplex dwelling structure shall not exceed 40 feet.
- iii. The following design elements of the duplex dwelling shall be similar in general shape, size, and design with the majority of existing single-family or duplex structures on the same block face on which it is located:
 1. Roof pitch;
 2. Front porch width and depth;
 3. Front building setback; and
 4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).
- iv. No duplex dwelling structure shall contain more than six bedrooms total.
- v. Each individual dwelling unit shall have separate utility meters.

(D) **Approval**

In the R1, R2, and R3 zoning districts, upon Conditional Use approval, a 150 foot buffer shall be created around the approved duplex dwelling. No newly created or expanded (through addition or habitable space) duplex dwellings shall be allowed in said buffer in the R1, R2, and R3 zoning districts for a period of 2 years after the date of the Conditional Use approval. For purposes of this section, the 150 feet shall be measured from the property lines of the parcel receiving approval.

(E) **Maximum Number**

In the R1, R2, and R3 zoning districts, the BZA shall approve a maximum of 15 duplex dwellings (newly created or expanded through addition or habitable space) per calendar year.

Synopsis and Reason for Amendment

This Amendment is sponsored by Councilmembers Rollo and Sandberg. This Amendment places a 150 foot buffer around a duplex dwelling in the R1, R2, and R3 zoning districts. Additionally, this Amendment provides that the BZA shall approve a maximum of 15 duplex dwellings (newly created or expanded through addition or habitable space) per calendar year.

Note: This Amendment was revised after distribution in the Legislative Packet Addendum but before being introduced at the May 6, 2021 Special Session. The revision added a period of 2 years to section (D) Approval; and revised the maximum number of duplexes the BZA shall approve per calendar year to 15 in section (E) Maximum Number.

Committee Recommendation:

N/A

Council Action:

Pending

***** Amendment Form *****

Ordinance #: 21-23
Amendment #: Am 04
Submitted By: Cm. Rollo; Cm. Sandberg
Date: May 5, 2021
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 21-23 as “Attachment A” (ZO-09-21) shall be amended as follows (only affected portions of the proposal are shown below):

20.03.030 Use Specific Standards

1. No more than 35 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; and
2. The proposed duplex structure does not exceed the total gross square footage of the original structure that was demolished or removed by more than 25 percent.

(B) Occupancy

Occupancy of each dwelling unit in a duplex dwelling is subject to the definition of “Family” in Chapter 20.07: (Definitions).

(C) Design

In the R1, R2, R3, and R4 zoning districts the following shall apply:

- i. Each individual dwelling unit shall have a separate exterior entrance facing a public or private street.
- ii. The front elevation building width of the duplex dwelling structure shall not exceed 40 feet.
- iii. The following design elements of the duplex dwelling shall be similar in general shape, size, and design with the majority of existing single-family or duplex structures on the same block face on which it is located:
 1. Roof pitch;
 2. Front porch width and depth;
 3. Front building setback; and
 4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).

- iv. ~~No duplex dwelling structure shall contain more than six bedrooms total.~~ **No duplex dwelling structure shall contain more than two (2) units with two (2) bedrooms each.**
- v. Each individual dwelling unit shall have separate utility meters.

(2) Dwelling, Triplex and Fourplex

(A) Generally

- i. For any property that has been rezoned to R1, R2, or R3 after 04/18/2020 that was not previously designated in the R1, R2, or R3 zoning districts, triplex dwelling uses shall be permitted by-right and shall not require conditional use permit approval.
- ii. For any property that has been rezoned to R4 after 04/18/2020 that was previously designated in the R1, R2 or R3 zoning districts, fourplex dwelling uses shall require conditional use permit approval.
- iii. For any property zoned R1, R2, or R3 on 04/18/2020, triplex dwelling uses may be established on a lot or parcel where a demolition permit has been issued when:
 - 1. No more than 35 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; and
 - 2. The proposed triplex structure does not exceed the total gross square footage of the original structure that was demolished or removed by more than 25 percent.

(B) Occupancy

Occupancy of each unit in a triplex and fourplex dwelling is subject to the definition of "Family" in Chapter 20.07: (Definitions).

- (C) Where the final approval authority determines that the project satisfies the criteria of this Section 20.04.110, the final approval authority may authorize the modifications to development standards otherwise applicable to the project to allow the use of the approved incentives, but may not modify the Neighborhood Transition Standards in Section 20.04.070(d)(5).
- (D) The city may withhold issuance of a Certificate of Zoning Compliance or recommendation for a Certificate of Occupancy until verification that the project satisfies the affordable housing and/or sustainable development standards approved as part of the development petition.

(b) Affordable Housing

(1) Purpose

The purpose of these standards is to encourage the provision of affordable housing for very low-, low-, and moderate-income households. Affordable housing is necessary to help maintain a diverse housing stock and to allow all residents to have better access to jobs and to improve their economic status.

(2) Eligibility

Projects that satisfy one of the following criteria shall be eligible for the incentives established in subsection (5) below:

(A) Tier 1

- i. At least 60 percent of the total gross floor area of the building (including additional area awarded with an incentive) is dedicated to residential dwellings; and
- ii. A minimum of 15 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning less than 120 percent of the HUD AMI for Monroe County, Indiana; or

(B) Tier 2

- i. At least 60 percent of the total gross floor area of the building (including additional area awarded with an incentive) is dedicated to residential dwellings; and
- ii. A minimum of 7.5 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning below 120 percent of the HUD AMI for Monroe County, Indiana; and
- iii. A minimum of 7.5 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning below 80 percent of the HUD AMI for Monroe County, Indiana.

(C) Tier 3

- i. Both duplex units shall be income-restricted permanently, unless otherwise adjusted or forfeited by the City, to families, as defined in Chapter 20.7 of the UDO, earning below 120 percent of the HUD AMI for Monroe County, Indiana; or
- ii. One duplex unit shall be income restricted permanently, unless otherwise adjusted or forfeited by the City, to families, as defined in Chapter 20.7 of the UDO, earning below 80 percent of the HUD AMI for Monroe County, Indiana.

(5) Affordable Housing Incentives

A. Reduced Bulk Requirements

The following dimensional standards shall apply to single-family, duplex, triplex, and fourplex residential lots in the R1, R2, and R3 zoning districts that meet either of the two criteria in subsection (2) above:

- iii. The minimum lot area for subdivision may be reduced up to 30 percent.
- iv. The minimum lot width for subdivision may be reduced up to 20 percent.
- v. The side building setbacks may be reduced to five feet regardless of the number of stories.
- vi. The rear building setback may be reduced to 15 feet.
- vii. Where these standards conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern.

B. Primary Structure Height

i. Eligibility

In addition to the eligibility criteria in 20.04.110(c)(2), affordable housing projects seeking increased maximum primary structure height shall comply with the following criteria:

1. The building shall contain six or more dwelling units; and
2. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

ii. Tier 1 Projects

Projects that meet the Tier 1 affordability standards may increase the primary structure height by one floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iii. Tier 2 Projects

Projects that meet the Tier 2 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iv. Tier 3 Projects

Projects that meet Tier 3 affordability standards may increase the total number of bedrooms in a duplex structure to three per unit (six total).

v. Sustainable Development Bonus

1. Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet.
2. The additional floor of building height granted under this subsection ~~(iv)~~ shall be limited to 50 percent of the building footprint area of primary structure, and that additional floor shall be set back at least 10 feet further than the lower floors of the building.

6. Other Standards

The following standards shall apply to all affordable housing projects seeking incentives under this section 20.04.110(c).

Synopsis and Reason for Amendment

This Amendment is sponsored by Councilmember Sandberg and Councilmember Rollo. The Amendment changes the number of bedrooms allowed in a duplex from a total of six (three in each unit) to four (two in each unit). The Amendment adds a third tier of projects that would qualify for incentives under the Affordable Housing Incentive section, and adds a third tier of Affordable Housing Incentives. Specifically, the Amendment states that for projects where both units in a duplex are income restricted permanently to below 120 percent of the HUD AMI for

Monroe County, Indiana, or for projects where one unit in a duplex is income restricted permanently to below 80 percent of the HUD AMI for Monroe County, Indiana, the number of bedrooms per unit may be increased to 3 in each unit (6 total).

Note: This Amendment was revised after distribution in the Legislative Packet Addendum but before being introduced at the May 6, 2021 Special Session. The revision changes the number of bedrooms from a total of 2 (1 in each unit) to a total of 4 (2 in each unit) in section (1) (C) (iv).

Committee Recommendation:

N/A

Council Action:

Pending

***** Amendment Form *****

Ordinance #: 21-23
Amendment #: Am 05
Submitted By: Cms. Sandberg, Rollo
Date: May 5, 2021
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

1. Amendment 05 sponsored by Councilmembers Sandberg and Rollo to the proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 21-23 as “Attachment A” (ZO-09-21) shall be amended as follows (only affected portions of the proposal are shown below):

(E) Review and Decision

[A new Section 20.06.050(b)(3)(E)(v) shall be inserted and subsequent subsections shall be renumbered accordingly.]

- v. Dwelling, Duplex in R1, R2, or R3 Zoning Districts:
 - a. Conditional use permit petitions for the “Dwelling, Duplex use in the R1, R2, or R3 zoning districts shall require a pre-submittal neighborhood meeting in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting); and
 - b. The proposed use and development will not cause undo traffic congestion nor draw significant amounts of traffic through residential streets; and
 - c. The proposed use and development will not have undue, adverse impacts upon the adjacent property, the character of the area, or the public health, safety, and general welfare.

Synopsis and Reason for Amendment

This Amendment to Ordinance 21-23 is brought by Councilmembers Sandberg and Rollo and seeks to add two additional findings to the Conditional Use Approval Criteria for duplexes.

Committee Recommendation:
Regular Session Action:

Pending
Pending